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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,347	09/23/2003	Hironori Okado	116714	3398
25944	7590	11/17/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			VY, HUNG T	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/667,347	OKADO, HIRONORI	
	Examiner Hung T Vy	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/23/2003</u> .	6) <input type="checkbox"/> Other: _____. 40n

**DETAILED ACTION**

**Acknowledges**

1. Receipt is acknowledged of the following items from the Applicant.

Information Disclosure Statement (IDS) filed on 09/23/2003. The references cited on the PTOL 1449 form have been considered.

**Foreign Priority**

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 11/27/2002, 3/04/2003 and 01/05/2003.

**Specification**

3. The specification has been checked to the extent necessary to determine the presence of possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

**Double Patenting**

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims (see table below) of copending Application No. 10/667,347, No. 10/657,108, and No. 10/654432.

10/655,304	10/667,347	10/654,432	10/657,108
1,3 and 15	1,10	1,11	1,11 and 12

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in present application are similar to claims in co-pending application as shown.

**This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.**

5. The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claim 1 is rejected under 35 U. S. C. § 102 (e) as being anticipated by Bancroft et al., U.S. patent No. 6,603,429.

Claim 1, Bancroft et al. disclose an antenna, comprising: ground pattern (50); and a planar element (18), which has a feed point (16) and is juxtaposed with said ground pattern (50), and wherein as being farther away from a straight line passing through said feed position (16), a distance between said planer element (18) and said ground pattern (50) is gradually increased to become saturated (See fig. 1).

**Claim Rejections - 35 U.S.C. § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2 and 10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bancroft et al., U.S. patent No. 6,603,429 in view of Kaloi et al., U.S. Patent No. 4,151,532 or Ringeisen et al., U.S. Patent No. 4,605,012.

Claims 2 and 10, Bancroft et al. disclose all limitations of invention as claim 1 and include planer element is formed on a dielectric substrate (See abstract) but Bancroft et al. do not teach at least either one of a curved line and line segments, which are connected while their inclinations are changed stepwise. However, Kaloi et al. disclose at least either one of a curved line and line segments which are connected while their inclinations are changed stepwise (See fig. 9) or Ringeisen et al. disclose at least either one of a curved line (68,67) and line segments which are connected while their inclinations are changed stepwise (See fig. 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bancroft et al. to have different shape of element as taught by Kaloi or Ringeisen et al. The motivation for doing so would have been to provide different shape of antenna element in order to have variety of different purposes and circumstances (See column 2, line 20-25 of Kaloi).

8. Claims 3-9 and 11-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bancroft et al., U.S. patent No. 6,603,429 and Ringeisen et al., U.S. Patent No. 4,605,012 in view of Lebaric et al. U.S. Patent No. 6,747,605.

Claims 3 and 11 add into claim 2 "a resonant element connected to an end point of said straight line passing through said feed position of said planar element" which Bancroft and Rengeisen et al. do not teach. However, Lebaric et al. disclose a resonant element (4B) connected to an end point of said straight line (30) passing through said feed position of said planar element (6B) (See fig. 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Bancroft et al. and Ringeisen et al to have resonant element as taught by Lebaric et al. The motivation for doing so would have been to provide resonant antenna element in order to have higher gain (See column 3, line 34-35) and Bancroft et al. suggest a second antenna element (See column 2, line 10).

Claims 4-5, and 12-13 Lebaric et al. disclose an antenna, wherein said resonant element (2B) is symmetric with respect to a straight light (30) passing through said feed point (22) of planar element (8B)(Fig. 1).

Claims 6-7, and 14-15, Lebaric et al. diclose an antenna, wherein said planar element (8B,6B) and said resonant element (2B,4B) is formed in a same layer of said dielectric substrate (5) or different layers (2A,4A) (See fig. 1).

Claims 8-9, and 16-17, Lebaric et al. diclose an antenna, wherein when said planar element (8B, 6B) and said resonant element (4B, 2B) are projected on a virtual plane parallel to layers (5) in which the respective elements are formed, said resonant

element is disposed without overlapping with a predetermined region defined beside said planar element projected on said virtual plane (See fig. 1).

### **Citation of Pertinent References**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Tomomatsu et al. disclose Antenna Apparatus, U.S. Patent No. 6,720,924.

The patent to Walton discloses Dual Band Antenna for Vehicles, U.S. Patent No. 6,097,345.

### **Conclusion**

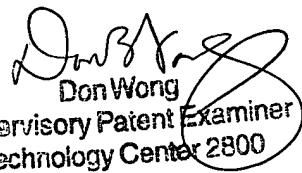
13. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821  
November 11, 2004

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800